

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF OKLAHOMA**

In re:

**ATOKA COUNTY HEALTHCARE AUTHORITY,**

Debtor.

)  
)  
) Case No. 17-80016  
) Chapter 9  
)  
)

**FOURTH APPLICATION FOR APPROVAL AND ALLOWANCE OF INTERIM  
COMPENSATION FOR SERVICES AND REIMBURSEMENT FOR EXPENSES  
OF PATIENT CARE OMBUDSMAN**

COMES NOW Deborah Burian, the duly appointed patient care ombudsman (the “PCO”) in the above styled and numbered bankruptcy proceeding and applicant herein, and hereby respectfully applies to this Court for allowance of her third interim application and award of compensation for her services and reimbursement for her expenses for the time period November 1, 2018 to June 30, 2019, pursuant to 11 U.S.C. §§330 and 331 and the orders of this Court. In support of her application, PCO would show the Court as follows:

1. This Court has jurisdiction over this application pursuant to 28 U.S.C. §§157 and 1334 and venue is proper pursuant to 28 U.S.C. §§1408 and 1409.
2. On January 10, 2017, the Atoka County Healthcare Authority (the “Debtor”) filed a voluntary petition [DOC: 1] for relief under Chapter 9 of the Bankruptcy Code, 11 U.S.C. §§ 101 *et seq.* (the “Code”).
3. On January 27, 2017, the United States Trustee filed the *United States Trustee’s Appointment of Patient Care Ombudsman* [DOC: 23], pursuant to which Deborah Burian was appointed as the patient care ombudsman in this case.
4. This is the PCO’s fourth fee application.

5. Since the date of her appointment, the PCO has conducted monitoring visits, has reviewed documents and filings, conducted interviews with administrative staff, patients and family members; and had communication with counsel for the Debtor and the Assistant United States Bankruptcy Trustee.

6. The services provided by the PCO have been necessary to fulfill her duties as Patient Care Ombudsman at Debtor's facilities.

7. The time and fees included in this Application are reasonable and customary according to the circumstances of the case and consistent with the experience of the PCO.

9. The services performed, and expenses incurred, by the PCO are set forth in detail in the billing statement attached hereto as Exhibit "A". The billing statement includes the date the service was performed, a brief explanation of the service, and the time expended.

10. The PCO employed The Gooding Law Firm, P.C. ("Gooding") to assist her in connection with her duties as patient care ombudsman. In connection with its representation of the PCO Gooding has performed legal services and incurred expenses in a total amount of \$906.82, all as are more fully set out in the complete accounting annexed as Exhibit "B" attached hereto and incorporated herein by reference.

11. The PCO is requesting payment of compensation for the period November 1, 2018 to June 30, 2019, in the amount of \$7,385.00 arising from 49.60 hours of service as patient care ombudsman. PCO also requests payment of expenses in the amount of \$1,570.21 to include payment for mileage (\$430.92), miscellaneous expenses (\$232.47), and attorney's fees and expenses (\$906.82) through June 30, 2019.

12. The PCO submits that all services and expenses set forth in Exhibit "A" and Exhibit "B" were reasonable and necessary in order to perform her duties as patient care ombudsman.

13. The PCO hereby requests that she be authorized to pay herself from the retainer provided pursuant to the *Debtor's Ex-Parte Application for an Order Appointing a Patient Care Ombudsman* [DOC: 66], fees and expenses in the amount of \$8,955.21 from the \$5,000.00 retainer advanced by the Debtor and currently being held in trust by PCO; for Debtor to be ordered to immediately pay the balance of the requested fees and expenses in excess of the retainer, in the amount of \$3,955.21; and that Debtor be directed, as per prior order of this Court, to replenish the retainer to \$5,000.00.

WHEREFORE, Deborah Burian prays the Court enter its order granting her immediate payment of \$8,955.21 in fees and expenses for the time period of period November 1, 2018 to June 30, 2019; and directing the Debtor to replenish the PCO retainer to \$5,000.00.

Respectfully submitted,

/s/ Mark B. Toffoli

Mark B. Toffoli OBA # 9045

THE GOODING LAW FIRM  
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ATTORNEYS FOR  
DEBORAH BURIAN

**Fourth Interim Fee Application**  
**Atoka County Medical Center**  
**Period ending June 30, 2019**

Date	Work Time	Travel Time	Miles	Other	Comments
11/7/2018	4.00	2.5	132	\$ 48.24	Site Visit, travel, prep
11/13/2018	1.00				Fee app and report
11/14/2018	1.50				Hearing, attorney, prep
11/19/2018				\$ 60.00	Attorney
11/20/2018				\$480.00	Attorney
11/21/2018	0.50				Review filings
12/12/2018				\$ 96.82	Attorney
12/19/2019	0.20				Review filings
1/8/2019	3.50	2.50	132	\$ 34.77	Site Visit, emails
					emails and calls re: management
2/1/2019	1.20				agreement
2/5/2019	0.40				calls and follow up on concern
2/6/2019	3.60	2.00	132	\$ 102.69	Site Visit, travel, prep, calls
2/7/2019	6.60	2.60	132		Site Visit, travel
2/8/2019	0.20				calls and follow up on concern
2/10/2019	0.10				calls and emails
2/15/2019	0.10				calls and emails
2/19/2019	0.10				calls
2/20/2019	1.20			\$ 30.00	calls & Attorney re management issue
3/19/2019	0.50				prepare and file report
3/21/2019				\$ 60.00	Attorney fees
3/30/2019	0.30				Review filings
4/2/2019	3.10	2.50	135	\$ 34.77	Site Visit, travel, prep
4/6/2019	0.30				Review management change filing
4/8/2019	1.00				review guidelines and create report
4/10/2019				\$ 60.00	Attorney fees
6/18/2018	1.00				Update report, plan site visit
6/19/2019	3.60	2.70	135	\$ 60.24	Site Visit, travel, prep
					Email, speak to attorney and review
6/28/2019	0.80				concern re 13th report
6/30/2019				\$120.00	Attorney fees



Job Totals	Hours	Mileage	Other
Totals	34.80	14.80	798.00
Rates	175.00 \$	87.50 \$	0.54
Totals	6090.00 \$	1,295.00 \$	430.92 \$
			1,139.29 \$
			8,955.21

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Deborah Burian  
2125 NW 28th Street  
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12/01/2018  
Account No: 49-00009M  
Statement No: 4

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Interim Statement

Fees

			Rate	Hours	
11/19/2018	MBT	Prepare and file PCO tenth periodic report.	300.00	0.20	60.00
11/20/2018	MBT	Receipt/review of PCO compensation documents; prepare and file PCO third interim compensation application and notice of hearing/certificate of mailing; draft proposed order granting same and upload order.	300.00	1.60	480.00
		For Current Services Rendered		1.80	540.00

Recapitulation

<u>Timekeeper</u>	<u>Hours</u>	<u>Rate</u>	<u>Total</u>
MARK B. TOFFOLI	1.80	\$300.00	\$540.00

Total Current Work 540.00

Previous Balance \$410.74

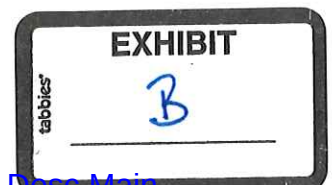
Balance Due \$950.74

Aged Due Amounts

<u>0-30</u>	<u>31-60</u>	<u>61-90</u>	<u>91-120</u>	<u>121-180</u>	<u>181+</u>
540.00	0.00	410.74	0.00	0.00	0.00

Billing History

<u>Fees</u>	<u>Hours</u>	<u>Expenses</u>	<u>Advances</u>	<u>Finance Charge</u>	<u>Payments</u>
810.00	2.70	140.74	0.00	0.00	0.00



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01/02/2019  
Account No: 49-00009M  
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***Payments received after 01/02/2019  
are not included on this statement.***

Fees

			Hours	
12/12/2018	MBT	Receipt of order approving PCO fee application; prepare and file notice of mailing of order.	0.30	90.00
		For Current Services Rendered	0.30	90.00

Recapitulation

<u>Timekeeper</u>	<u>Title</u>	<u>Hours</u>	<u>Rate</u>	<u>Total</u>
MARK B. TOFFOLI	Associate	0.30	\$300.00	\$90.00

Expenses

12/13/2018	Postage - PCO 3rd fee application	5.17
12/13/2018	PHOTOCOPY CHARGES - order approving PCO 3rd fee application	1.65
	Total Expenses	6.82
	Total Current Work	96.82
	Previous Balance	\$950.74
	Balance Due	<u>\$1,047.56</u>

Aged Due Amounts

<u>0-30</u>	<u>31-60</u>	<u>61-90</u>	<u>91-120</u>	<u>121-180</u>	<u>181+</u>
96.82	540.00	0.00	410.74	0.00	0.00

Billing History

<u>Fees</u>	<u>Expenses</u>	<u>Advances</u>	<u>Finance Charge</u>	<u>Payments</u>
900.00	147.56	0.00	0.00	0.00

Thank you for your business.

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03/21/2019  
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***Payments received after 03/21/2019  
are not included on this statement.***

Fees

			Hours	
02/20/2019	MBT	Telephone call from PCO regarding Atoka management situation.	0.10	30.00
03/21/2019	MBT	Review and file PCO 11th periodic report.	0.20	60.00
		For Current Services Rendered	0.30	90.00

Recapitulation

<u>Timekeeper</u>	<u>Title</u>	<u>Hours</u>	<u>Rate</u>	<u>Total</u>
MARK B. TOFFOLI	Senior Attorney	0.30	\$300.00	\$90.00

Total Current Work 90.00

Previous Balance \$1,047.56

Balance Due \$1,137.56

Aged Due Amounts

<u>0-30</u>	<u>31-60</u>	<u>61-90</u>	<u>91-120</u>	<u>121-180</u>	<u>181+</u>
90.00	0.00	96.82	540.00	120.00	290.74

Billing History

<u>Fees</u>	<u>Expenses</u>	<u>Advances</u>	<u>Finance Charge</u>	<u>Payments</u>
990.00	147.56	0.00	0.00	0.00

Thank you for your business.

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05/01/2019  
Account No: 49-00009M  
Statement No: 9

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***Payments received after 05/01/2019  
are not included on this statement.***

Fees

04/10/2019	MBT	Receipt/review and file PCO Twelfth Periodic Report.	Hours 0.20	60.00
		For Current Services Rendered	0.20	60.00

Recapitulation

<u>Timekeeper</u>	<u>Title</u>	<u>Hours</u>	<u>Rate</u>	<u>Total</u>
MARK B. TOFFOLI	Senior Attorney	0.20	\$300.00	\$60.00

Total Current Work 60.00

Previous Balance \$1,137.56

Balance Due \$1,197.56

Aged Due Amounts

<u>0-30</u>	<u>31-60</u>	<u>61-90</u>	<u>91-120</u>	<u>121-180</u>	<u>181+</u>
60.00	90.00	0.00	96.82	540.00	410.74

Billing History

<u>Fees</u>	<u>Expenses</u>	<u>Advances</u>	<u>Finance Charge</u>	<u>Payments</u>
1,050.00	147.56	0.00	0.00	0.00

Thank you for your business.

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07/01/2019  
Account No: 49-00009M  
Statement No: 11

Atoka County Healthcare Authority; Chapter 9

***Payments received after 07/01/2019  
are not included on this statement.***

Fees

			Hours	
06/24/2019	MBT	Prepare and file PCO thirteenth periodic report and email filed report to client.	0.20	60.00
06/28/2019	MBT	Telephone call from Jeff Tate regarding PCO 13th status report and email from JT with specific questions regarding same; telephone call with PCO regarding Tate request.	0.20	60.00
		For Current Services Rendered	0.40	120.00

Recapitulation

<u>Timekeeper</u>	<u>Title</u>	<u>Hours</u>	<u>Rate</u>	<u>Total</u>
MARK B. TOFFOLI	Senior Attorney	0.40	\$300.00	\$120.00
Total Current Work				120.00
Previous Balance				\$1,197.56
Balance Due				<u>\$1,317.56</u>

Aged Due Amounts

<u>0-30</u>	<u>31-60</u>	<u>61-90</u>	<u>91-120</u>	<u>121-180</u>	<u>181+</u>
120.00	0.00	60.00	90.00	96.82	950.74

Billing History

<u>Fees</u>	<u>Expenses</u>	<u>Advances</u>	<u>Finance Charge</u>	<u>Payments</u>
1,170.00	147.56	0.00	0.00	0.00

Thank you for your business.